

April 28, 1970

CHARGES

I. H.Res. 920, by Mr. Jacobs:

H.Res. 920 does not contain a statement of charges. It was introduced after Mr. Ford's speech on April 15, 1970, to authorize an investigation of the charges made by Mr. Ford. Mr. Jacobs' remarks in this regard are as follows:

"Mr. JACOBS. Mr. Speaker, the gentleman from Michigan has stated publicly that he favors impeachment of Justice Douglas.

"He, therefore, has a duty to this House and this country to file a resolution of impeachment.

"Since he refuses to do so and since he raises grave questions, the answers to which I do not know, but every American is entitled to know, I introduce at this time the resolution of impeachment in order that a proper and dignified inquiry into this matter might be held." (Cong. Rec., H-3120)

II. Representative Gerald R. Ford:

Mr. Ford has not submitted a separate list of the activities he charges warrant impeachment. The following is a summary of the activities described in Mr. Ford's April 15, 1970, speech, attached:

1. Ginzberg Appeals:

(a) In 1966, Justice Douglas dissented in a 5 to 4 decision that affirmed the conviction of Ralph Ginzberg, publisher of EROS.

- 2 -

(b) FACT, another Ginzburg publication, in 1964 published a libel against Senator Goldwater. On January 26, 1970, the Supreme Court, Justices Douglas and Black dissenting, affirmed the award of punitive damages against Ginzberg and FACT. In March, 1969, AVANT GARDE, also published by Ginzberg and allegedly the successor to FACT, paid Justice Douglas \$350 for an article entitled "Appeal of Folk Singing: A Landmark Opinion."

Mr. Ford contends that Justice Douglas' failure to disqualify himself under 28 U.S.C. 455 amounts to a "gross impropriety."

28 USC 455. Interest of Justice or Judge.

"Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein."

2. POINTS OF REBELLION; Published by Random House Inc.

This book allegedly presents the thesis that violence may be justified and perhaps only revolutionary overthrow of "the establishment" can save the country. It violates the standard of good behaviour, and is "an inflammatory volume." Cases

- 3 -

involving activists, in confrontations with the police and public authorities, will come before the Supreme Court.

Mr. Ford asks this question:

"I ask you, will Mr. Justice Douglas then disqualify himself because of a bias previously expressed, and published for profit?"

3. EVERGREEN, April 1970 Edition:

"Redress in Revolution," copyright 1970 by William O. Douglas, appears in juxtaposition to nude photographs characterized as "hard-core pornography." A full page caricature of President Nixon made to look like Britain's King George III also is in the magazine.

Mr. Ford contends that Mr. Douglas could have prevented publication of his writings in this magazine but did not because ". . . he does not give a tinker's damn what we think of him and his behaviour on the Bench." Mr. Douglas allegedly is trying to outrage his critics, for this reason:

"Suppose his impeachment is predicated on these grounds alone--will not the accusers of Mr. Justice Douglas be instantly branded, as we already are in his new book--as the modern Adolf Hitlers, the book-burners, the defoliators of the tree of liberty."

- 4 -

4. Associations with Albert Parvin, alleged international gamblers, and the Albert Parvin Foundation:

These associations allegedly resulted in practicing law in violation of 28 U.S.C. 454:

28 USC 454. Practice of Law by Justices and Judges.

"Any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor."

The Albert Parvin Foundation was established in November 1960. Allegedly, Mr. Justice Douglas assisted in its organization, and possibly drafted the articles of incorporation. In addition, it is alleged that Mr. Justice Douglas gave legal advice to the Albert Parvin Foundation in dealing with an investigation by the Internal Revenue Service. In 1961, Mr. Justice Douglas was named a life member of the Albert Parvin Foundation's Board, elected President, and voted a salary of \$12,000 per year, plus expenses. This association was terminated in May, 1969.

In addition, there are allegations that Robert Baker and Ed Levinson, Juan Bosch, Albert Parvin and others associated for the purpose of obtaining rights to gambling concessions in the Dominican Republic.

Another charge is:

- 5 -

"On May 12, 1969, Mr. Justice Douglas reportedly wrote a letter to Albert Parvin in which he discussed the pending action by the Internal Revenue Service to revoke the foundation's tax-exempt status as a 'manufactured case' designed to pressure him off the Supreme Court. In this letter, as its contents were paraphrased by the New York Times, Mr. Justice Douglas apparently offered legal advice to Mr. Parvin as to how to avoid future difficulties with the Internal Revenue Service, and this whole episode demands further examination under oath by a committee with subpoena powers."

5. Center for the Study of Democratic Institutions:

This organization is located in Santa Barbara, California, and is run by Dr. Robert M. Hutchins, former head of the University of Chicago. Mr. Justice Douglas allegedly was a consultant to and member of the board of directors of the Center, at the same time the Center was a beneficiary of the Parvin Foundation. In December 1969, Mr. Douglas became chairman of the executive committee of the Center. It is alleged that the association with the Center is a continuation of his relationship with the Albert Parvin Foundation, and that the Center is a focal point for organization of militant student unrest.

- 6 -

III. H.Res. 922, Representative Wyman, and others:

H.Res. 922 contains 21 separate Premises. A copy of H.Res. 922 is attached. Premises Nos. 5 to 21 constitute specific charges of improper behaviour. These charges essentially involve the same activities as those contained in Mr. Ford's speech.